

REMARKS

This amendment is being filed in response to the non-final Office Action dated May 22, 2007. By this Response, claim 2-4, 7-9, 14, 19 and 21 are amended. Claims 1, 13 and 22 are cancelled without prejudice. Claim 23 are newly presented. No new matter is added. Claims 2-12, 14, 15, 19, 21 and 22 are now active for examination.

The Office Action rejected claim 1, 13, 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over Ichikawa et al. (U.S. Publication No. 2002/0045981). Claims 2-12, 14 and 15 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that the claims would be allowable if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Response, dependent claims 2 and 14 are rewritten into independent form as suggested by the Examiner, to achieve allowance. The rejected claims are either cancelled or amended to be dependent from allowable claim 2. All other claims are directly or indirectly dependent from allowable claims 2 or 14, respectively. It is believed that claims 2-12, 14, 15, 19 and 21 are in condition for allowance.

Method claim 22 is newly presented and the language of which tracks allowable claim 2. It is respectfully submitted that claim 22 is allowable. Moreover, claims 2 and 22 are not distinctive from each other. The apparatus described in claim 2 cannot be used to practice a process materially different from that covered by claim 22, and the process covered by claim 22 cannot be performed by an apparatus that is materially different from an apparatus covered by claim 2. If the apparatus covered by claim 2, as suggested by the previous office action, can be used to perform a process of controlling the stability of a vehicle, likewise, claim 22 can be used to implement a process for controlling the stability of a vehicle because claim 22 closely tracks the language of claim 2. In

Serial No.: 10/656,173

other words, a process for controlling the stability of a vehicle is not materially different from claim

22. Favorable consideration of claim 22 is respectfully requested.

CONCLUSION

For the reasons given above, Applicant believes that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicant's representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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